

[Docket Entry Nos. 45 and 55]

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

Holtec International  
Corporation, a Delaware  
Corporation,

Plaintiff,

v.

Preferred Metal Technologies,  
Inc., an Illinois Corporation,

Defendant/Third Party  
Plaintiff

v.

UPS Ground Freight, Inc.,  
d/b/a UPS Freight, f/k/a  
Overnite Transportation,

Third-Party Defendant.

Civil No. 09-274  
(RMB/AMD)

**ORDER**

This matter having come before the Court upon the summary judgment motion and motion to strike the Affidavit of Timothy Stewart filed by Third-Party Defendant UPS Ground Freight Inc., d/b/a UPS Freight, f/k/a Overnite Transportation ("UPS"); and the Court having considered the moving papers, and the opposition thereto; and for the reasons expressed in the Opinion issued this date;

IT IS ON THIS 13th day of April 2011, HEREBY ORDERED as follows:

UPS's motion for summary judgment [Dkt. No. 45] is **GRANTED**,  
**in part, and DENIED, in part;**

**IT IS FURTHER ORDERED** that UPS's motion to strike [Dkt. No. 55] is denied.

s/Renée Marie Bumb  
RENÉE MARIE BUMB  
United States District Judge